STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES	CASE NO. and JUDGE

Friend of the court address **Telephone no.**

1. Right to Refuse Friend of the Court Services

a. You have the right to refuse friend of the court services for custody, parenting time, and support. To decline friend of the court services, you must file with the court a motion requesting that friend of the court services not be required. You must attach a signed copy of this advice of rights to the motion. The court will grant the motion provided both parties agree and have signed this advice of rights and it determines that all the following are true.
   1) Under MCL 552.505a, neither of you receives or has received public assistance or requests friend of the court services.
   2) There is no evidence of domestic violence or of an uneven bargaining position between you.
   3) The court finds that declining to receive friend of the court services is not against the best interests of a child.

b. If you already have a friend of the court case, you can file a motion to discontinue friend of the court services provided both parties agree and have signed this advice of rights and the court finds that all the following are true.
   1) Neither of you receives public assistance or requests friend of the court services.
   2) There is no evidence of domestic violence or an uneven bargaining position between you.
   3) The court finds that declining to receive friend of the court services is not against the best interests of a child.
   4) No money is due the governmental entity because of past public assistance.
   5) No arrearage or violation of a custody or parenting-time order has occurred in the last 12 months.
   6) Neither of you has reopened a friend of the court case in the last 12 months.

2. Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)

a. Accounting Services

Friends of the court must collect support and disburse it within 48 hours. Friend of the court accounting services include:
1) friend of the court accounting for payments received and sent, 2) adjustments of support for parenting time or other credits, and 3) annual statements of accounts, if requested.

b. Support Enforcement Services

The friend of the court must begin to enforce support when one month of support is overdue. For friend of the court cases, child-support enforcement services include:
- paying support out of tax refunds
- asking the court to order the nonpaying party to come to court to explain the failure to pay.
- having unpaid support paid out of property the payer owns.
- reporting support arrearage to a consumer reporting agency or requesting that the payer's license(s) be suspended.
- collecting support by an income withholding order.

If you choose not to receive friend of the court services, any existing income withholding source will be notified that the friend of the court is no longer responsible for income withholding. **The parties will be solely responsible for stopping or changing income withholding as the law allows.** The friend of the court will stop any unfinished collection actions.

c. Medical Support Enforcement Services

The friend of the court is required to recommend how the parents divide health-care expenses and to take action to collect the amounts that a parent fails or refuses to pay. When a parent is required to insure the children, the friend of the court is authorized to instruct an employer to enroll the children in an insurance plan when the parent fails or refuses to do so.

d. Support Review and Modification Services
Once every three years, persons with friend of the court cases may request the friend of the court to review the support amount. After completing the review, the friend of the court must file a motion to raise or lower support, or inform the parties that it recommends no change. It must also review support when changed circumstances lead it to believe that support should be modified.

e. Custody and Parenting-Time Investigation Services
For disputes about custody or parenting time in friend of the court cases, the friend of the court sometimes must investigate and provide reports to the parties and the court.

f. Mediation Services
Friend of the court offices must provide mediation services to help parties with friend of the court cases settle custody and parenting-time disputes.

g. Custody and Parenting-Time Enforcement Services
For friend of the court cases, the friend of the court must enforce custody and parenting time when a party complains that it is violated. Child-custody and parenting-time enforcement services include:

- asking the court to order the noncooperating party to come to court to explain the failure to obey the parenting-time order.
- suspending the licenses of individuals who deny parenting time.
- awarding makeup parenting time.
- joint meetings to resolve complaints.

3. Michigan State Disbursement Unit and IV-D Services

a. Michigan State Disbursement Unit (MiSDU)
If you choose not to receive friend of the court services, you may continue to make and receive child support payments through MiSDU. MiSDU will keep track of the amount paid and sent out. However, MiSDU cannot provide you with all the accounting functions the friend of the court provides. All payments made through MiSDU must be distributed according to the amounts due as required by federal law. When a payer has more than one case, federal law determines how a payment is divided among the cases. **Even if you choose not to receive friend of the court services, payments through MiSDU must be divided among all a payer's cases and distributed in the same manner as payments on friend of the court cases. You cannot discontinue friend of the court services if you want to use MiSDU unless you first provide to MiSDU all the information that MiSDU needs to set up an account.**

b. Your Rights Under Title IV-D of the Social Security Act
Title IV-D of the Social Security Act provides federal government resources to collect child support and it allows certain funding to be used for parenting-time and custody services. In Michigan, critical Title IV-D services are delivered by the friend of the court. **If you choose not to receive friend of the court services, you cannot receive most Title IV-D services.**

4. Public Assistance

Receipt of public assistance means receipt of any of the following benefits: cash assistance, medical assistance, food assistance, foster care, and/or child care.

ACKNOWLEDGMENT REGARDING SERVICES

Check below only if you do not want to receive friend of the court services. Then date, print name, and sign.

I have read this advice of rights and I understand the friend of the court services I am entitled to receive.

☐ I acknowledge that by signing below **I am choosing not to receive** any friend of the court services. I understand that before this choice can take effect, a motion requesting this choice and the other party's agreement must be filed with the court for approval. I also understand that the court may deny this choice if certain conditions are not met as stated in this advice of rights.

Name (type or print)	Name (type or print)
Signature Date	Signature Date

If you did not check the above box, you are choosing to receive friend of the court services. **For the most effective friend of the court services,** you can request Title IV-D services by dating and signing below.

I request Title IV-D services through the friend of the court office.

Date	Signature